

REMARKS

Prior to this Response, claims 1, 2, 4 and 6-20 were pending in this application. Claims 7, 14, 18, and 19 have been amended herein. No claims have been added and claims 8, 9, 15, and 16 have been canceled. Therefore, claims 1, 2, 4, 6, 7, 10-14, and 17-20 remain present for examination. Applicant respectfully requests reconsideration of this application for at least the reasons presented below.

35 U.S.C. 102 Rejection, Kenner

The Office Action has rejected claims 7-8 and 10-11 under 35 U.S.C. 102(e) as being unpatentable over the cited portions of U.S. Patent No. 6,003,030, of Kenner, et al. (hereinafter "Kenner"). Claim 8 has been canceled without prejudice and therefore, the rejection of this claim has been rendered moot. The Applicant respectfully submits the following arguments pointing out significant differences between claims 7, 10, and 11 submitted by the Applicant and Kenner.

Kenner "is directed to a system and method for the optimized distribution of Web content to sites located around the Internet." (Col. 5, lines 11-13) Under Kenner a "scheme of network analysis, based on tests performed by a large number of users, is used to interactively determine the preferred locations for the sites, and to determine the optimum sites to be used by each individual user." (Col. 5, lines 20-24) A configuration utility executed by the user downloads a "delivery site file" that contains a list of available delivery sites and a list of network tests to be run. (Col. 5, lines 49-52) The configuration utility runs a subset of the tests specified in the delivery site file to choose a delivery site that yield improved performance for the user. (Col. 5, lines 57-61) "The delivery site chosen by the configuration utility is then used by that user for the retrieval of all content managed by the delivery system service provider." (Col. 5, line 66 - col. 6, line 1)

That is, Kenner teaches providing a list of available delivery sites to a user. A configuration utility executed by the user tests the deliver sites and selects one based on the performance of that site. The selected site is then used for retrieval of content by the user.

Claim 7, upon which claims 10, and 11 depend, is directed to a system for distributing content to a client computer and recites in part "a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a user-viewable directory that maps one of the first copy and the second copy to the client computer, wherein the directory is affected by the preference list." Kenner does not teach or suggest a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a user-viewable directory that maps one of the first copy and the second copy to the client computer, wherein the directory is affected by the preference list. Rather, Kenner teaches a configuration utility executed by the user to test and select a deliver sites based on the performance of that site. For at least these reasons, claims 7, 10, and 11 are distinguishable from Kenner and should be allowed.

35 U.S.C. 103(a) Rejections, Kenner, Knauerhase, Li, and Prasad

The Office Action has rejected claims 1-2, 4, 6, 9, and 12-20 under 35 U.S.C. §103(a) as being unpatentable over various combinations of the cited portions of Kenner, U.S. Patent Number 6,345,303 of Knauerhase et al. (hereinafter "Knauerhase"), U.S. Patent Number 6,799,214 of Li (hereinafter "Li"), and U.S. Patent Number 6,539,381 of Prasad et al. (hereinafter "Prasad"). The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, the Applicant requests reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, the Office Action must establish:
1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their

teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j).

As will be discussed below, the references cited by the Office Action do not teach or suggest each claimed limitation. The Office Action does not provide evidence that the suggestion or motivation to modify or combine the references cited is explicit or implicit in the references cited. Further, the Office Action does not provide any evidence that knowledge of one skilled in the art would provide the suggestion or motivation to modify these references. Finally, the Office Action does not provide evidence of a reasonable expectation of success of such a modification or combination.

Claims 1-2 and 9

The Office Action has rejected claims 1-2 and 9 under 35 U.S.C. 103(a) as being unpatentable over Kenner, in view of Knauerhase. Claim 9 has been canceled without prejudice and therefore, the rejection of this claim has been rendered moot. As discussed above, Claim 1, upon which claim 2 depends, is distinguishable from Kenner. Specifically, Kenner teaches providing a list of available delivery sites to a user. A configuration utility executed by the user tests the deliver sites and selects one based on the performance of that site. The selected site is then used by the user for retrieval of content. However, Kenner does not teach or suggest a preference list originating from the client or a directory that is affected by the preference list.

Knauerhase is directed to "dynamically chaining a network proxy to a destination device." (Col. 1, lines 51-52) Under Knauerhase, the network proxy receives a request from the source device and selects one of a plurality of destination devices to serve the request, with this selection being made according to a predetermined selection criterion. (Col. 1, lines 54-58) "The network proxy then reformats the request to designate the selected destination device as the recipient of the request, and forwards the reformatted request to the selected destination device." (Col. 1, lines 58-62) Knauerhase lists a number of different selection criteria for selecting a

destination device such as an address contained in the header of the request, an identifier for a particular service, information relating to a present load status of available servers, load status of the network proxy, and type of client making the request. (Col. 7, lines 17-46) However, Knauerhase does not disclose a preference list originating from the client or a directory that is affected by the preference list.

Claim 1, upon which claim 2 depends, is directed to a system for distributing content to a client computer and recites in part "a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a directory located remote to the client computer, wherein the directory-maps at least one of the content object, the first copy, and the second copy to the client computer, wherein the directory is affected by the preference list." Neither Kenner nor Knauerhase, alone or in combination, teach or suggest a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a directory located remote to the client computer, wherein the directory-maps at least one of the content object, the first copy, and the second copy to the client computer, wherein the directory is affected by the preference list. Rather, Kenner teaches a configuration utility executed by the user to test and select a deliver sites based on the performance of that site while Krauerhase teaches redirecting a request based on a predetermined selection criterion. For at least these reasons, claims 1 and 2 are allowable over the combination of Kenner and Krauerhase.

Claims 13-15, 17 and 20

The Office Action has rejected claims 13-15, 17 and 20 under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of U.S. Patent No. 6,799, 214, Li (hereinafter "Li"). Claim 15 has been canceled without prejudice and therefore, the rejection of this claim has been rendered moot. As discussed above, Kenner teaches providing a list of available delivery sites to a user. A configuration utility executed by the user tests the deliver sites and selects one based on the performance of that site. The selected site is then used for retrieval of content by the user.

However, Kenner does not teach or suggest, alone or in combination with any of the references, a preference list originating from the client or a directory, or routing mechanism, that is affected by the preference list.

Li is directed to "a system and method for providing content delivery services that allows a requesting end user to be redirected to different mirror sites by transmitting a redirection page back to the end user containing a http protocol meta-tag but no content." (Col. 5, lines 62-66) Li teaches "providing content delivery services wherein the relationship between the content provider and the content delivery network may be tightly or loosely coupled." (Col. 6, lines 21-24) "In a tightly coupled relationship, the content provider may maintain tables identifying mirrored content and the location of mirror sites which contain that content, maintain a mapping of partial IP addresses to mirror sites closest to those partial IP addresses, and generate modified HTML pages containing redirection information." (Col. 6, lines 24-30) "In a loose association between the content provider and the content delivery network, the content provider need only maintain a table of which content has been mirrored. When a request for mirrored content is received, the content provider need only direct the requestor to reload the desired content from a special-purpose server, which may then generate modified HTML pages containing redirection information." (Col. 6, lines 32-40) The special-purpose server then redirects the request based on a mapping of partial IP addresses to mirror sites closest to those partial IP addresses. (Col. 8, lines 11-40)

That is, Li teaches redirecting a request for mirrored content based on a list of partial IP addresses close to mirror sites and "the physical address of the end user contained in the request itself." (Col. 8, lines 25-26). However, Li does not teach or suggest, alone or in combination with any of the references, a preference list originating from the client or a directory, or routing mechanism, that is affected by the preference list.

Claim 7, upon which claim 13 depends, as well as claim 14, upon which claims 17 and 20 depend, are directed to a system for distributing content to a client computer. Claim 7 recites in

part "a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a user-viewable directory that maps one of the first copy and the second copy to the client computer, wherein the directory is affected by the preference list." Claim 14 recites in part "a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a routing mechanism that maps one of the portion, the first copy and the second copy to the client computer, wherein the routing mechanism is affected by the preference list.

Neither Kenner nor Li, alone or in combination, teach or suggest a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a user-viewable directory that maps one of the first copy and the second copy to the client computer, wherein the directory is affected by the preference list as recited in claim 7 or a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a routing mechanism that maps one of the portion, the first copy and the second copy to the client computer, wherein the routing mechanism is affected by the preference list as recited in claim 14. Rather, Kenner teaches a configuration utility executed by the user to test and select a deliver sites based on the performance of that site while Li teaches redirecting a request for mirrored content based on a list of partial IP addresses close to mirror sites and the physical address of the end user contained in the request itself. For at least these reasons, claims 13, 14, 17, and 20 are allowable over the combination of Kenner and Li.

Claim 4

The Office Action has rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Knauerhase, and further in view of U.S. Patent No. 6,539,381, Prasad et al., (hereinafter "Prasad"). As discussed above, claim 1, upon which claim 4 depends, is distinguishable from Kenner and Knauerhase since neither reference, alone or in combination, teaches or suggests, a preference list originating from the client computer, wherein the

preference list comprises at least one of the first address and the second address; and a directory located remote to the client computer, wherein the directory-maps at least one of the content object, the first copy, and the second copy to the client computer, wherein the directory is affected by the preference list.

Prasad is directed to "synchronizing database information over a distributed communications network." (Col. 1, lines 9-10) Prasad "enables each server to track the state of each replica of a replica set." (Col. 3, lines 6-7) "Changes to the replicas are then communicated between the servers along with their states." (Col. 3, lines 7-8) "The states may be stored as an array of timestamps, each such timestamp indicating a time at which the replica on each server was last updated." (Col. 3, lines 9-11) Based on the time stamps, the replicas are updated and changes propagated through the network. (Col. 3, lines 25-65) However, Prasad does not teach or suggest, alone or in combination with any of the references, a preference list originating from the client or a directory that is affected by the preference list.

Therefore, the combination of Kenner, Krauerhase, and Prasad is no more relevant to claim 4 as any of the references alone since none of the references teach or suggest a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a directory located remote to the client computer, wherein the directory-maps at least one of the content object, the first copy, and the second copy to the client computer, wherein the directory is affected by the preference list as recited in claim 1. For at least these reasons, claim 4 is allowable over the combination of Kenner, Krauerhase, and Prasad.

Claim 6

The Office Action has rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Knauerhase as applied to claims 1-2 and 9, and further in view of Li. As explained above, claim 6, which depends upon claim 1, is allowable over the combination of

Kenner, Knauerhase, and Li since none of the references, alone or in combination, teach or suggest a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a directory located remote to the client computer, wherein the directory-maps at least one of the content object, the first copy, and the second copy to the client computer, wherein the directory is affected by the preference list as recited in claim 1. For at least these reasons, claim 6 is allowable over the combination of Kenner, Krauerhase, and Li.

Claim 12

The Office Action has rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Prasad. Claim 12, which depends upon claim 7, is allowable over the combination of Kenner, Knauerhase, and Li since none of the references, alone or in combination, teach or suggest a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a user-viewable directory that maps one of the first copy and the second copy to the client computer, wherein the directory is affected by the preference list as recited in claim 7. For at least these reasons, claim 12 is allowable over the combination of Kenner, Krauerhase, and Li.

Claims 16 and 19

The Office Action has rejected claims 16 and 19 under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Li as applied to claims 13-15, 17 and 20 and further in view of Knauerhase. Claim 16 has been canceled without prejudice and therefore, the rejection of this claim has been rendered moot. As explained above, claim 19, which depends upon claim 14, is allowable over the combination of Kenner, Knauerhase, and Li since none of the references, alone or in combination, teach or suggest a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a routing mechanism that maps one of the portion, the first copy and the second copy to the

client computer, wherein the routing mechanism is affected by the preference list as recited in claim 14. For at least these reasons, claim 19 is allowable over the combination of Kenner, Krauerhase, and Li.

Claim 18

The Office Action has rejected claim 18 under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Li as applied to claims 13-15, 17 and 20, and further in view of Prasad. As explained above, claim 18, which depends upon claim 14, is allowable over the combination of Kenner, Li, and Prasad since none of the references, alone or in combination, teach or suggest a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address; and a routing mechanism that maps one of the portion, the first copy and the second copy to the client computer, wherein the routing mechanism is affected by the preference list as recited in claim 14. For at least these reasons, claim 18 is allowable over the combination of Kenner, Li, and Prasad.

In summary, the combination of Kenner, Krauerhase, Li, and Prasad is no more revelant to the pending claims than any of the references alone. None of the references, alone or in combination, teach or suggest each claimed limitation. Additionally, none of the references suggest such a modification. The Office Action does not provide evidence that the suggestion or motivation to modify or combine the references cited is explicit or implicit in the references cited. Further, the Office Action does not provide any evidence that knowledge of one skilled in the art would provide the suggestion or motivation to modify or combine these references. Finally, the Office Action does not provide evidence of a reasonable expectation of success of such a modification or combination. Therefore claims 1, 2, 4, 6, 7, 10-14, and 17-20 should be allowed.

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PATENT

REQUEST FOR TELEPHONE INTERVIEW

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (303) 571-4000.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,


William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000 (Denver)
Fax: 303-571-4321 (Denver)

WJD/sbm
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